

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**CLEVON HARMANSON**

**Plaintiff,**

**V.**

**PHILLIP M. RYAN AND  
CON-WAY TRUCKLOAD, INC.**

**Defendants.**

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**C.A. NO.**

**NOTICE OF REMOVAL**

Defendant, **CON-WAY TRUCKLOAD, INC.** by its attorneys and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby files this Notice of Removal of Cause No. 196851 filed in the 136<sup>th</sup> Judicial District Court of Jefferson County and states as follows:

1. On March 17, 2015, Plaintiff, Clevon Harmanson filed an Original Petition against Phillip M. Ryan and Con-Way Truckload, Inc. alleging personal injuries in a traffic incident with a motor vehicle and a tractor trailer. This Petition is styled, *Clevon Harmanson v. Phillip M. Ryan and Con-Way Truckload, Inc.* Cause No. 196851, and was filed in the 136<sup>th</sup> Judicial District Court of Jefferson County, Texas. There are no motions currently pending.

2. Plaintiff has specifically pled damages in excess of \$1,000,000.00; see Plaintiff's Original Petition, paragraph 9, filed concurrently herewith.

3. As noted in the Plaintiff's Original Petition, Con-way Truckload, Inc. is incorporated in Missouri and has its principal place of business in the state of Missouri.

4. Contrary to the Plaintiff's Original Petition, Defendant Phillip M. Ryan is a resident of the state of Tennessee. He does not reside in Texas. On information and belief, Defendant Phillip M. Ryan has not been served in this case.

5. Removal of this action is proper and this Court has jurisdiction over this action pursuant to 28 U.S.C. Sections 1332 and 1446 because the Plaintiff and Defendants are diverse in citizenship and the amounts in controversy exceed the sum or value of \$75,000 exclusive of interest and costs.

6. Removal of this action is timely under 28 U.S.C. Section 1446(b) because Defendant is filing this Notice of Removal within 30 days from receipt of the Petition, which constitutes “receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion or order or other paper from which it may first be ascertained that the case is or has become removable.”

7. In accordance with 28 U.S.C. § 1446(a), attached hereto are copies of “all process, pleadings, and order served upon” the Defendant in this litigation.

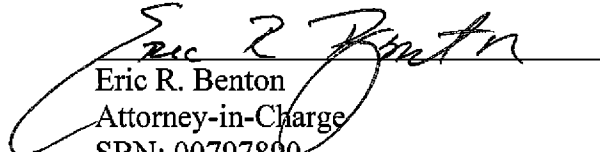
8. Pursuant to 28 U.S.C. § 1446(d), the undersigned certify that concurrent with the filing of this Notice of Removal in this Court, a Notification of Filing of Notice of Removal will be filed in the 136th Judicial District Court of Jefferson County, Texas. Defendant has also attached all necessary documents to this Notice of Removal pursuant to the Local Rules of this Court.

9. Attached hereto is Defendant’s Index of Matters Being Filed that incorporates all documents required for Removal pursuant to 28 U.S.C. § 1446 and Local Rule 81 of the United States District Court for the Eastern District of Texas.

10. In filing of this Notice of Removal, Defendant does not waive any available defenses and does not admit any of the allegations made in Plaintiff’s Petition in the State Court Action.

Defendant, therefore, respectfully requests the removal of this action from the 136<sup>th</sup> Judicial District Court of Jefferson County, Texas.

Respectfully submitted,

  
Eric R. Benton  
Attorney-in-Charge  
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**Attorney for Defendant,  
Con-Way Truckload, Inc.**

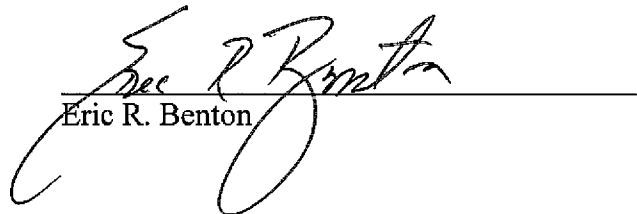
OF COUNSEL:

LORANCE & THOMPSON, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of May, 2015, a true and correct copy of the foregoing document was provided to all counsel of record by mail, e-file, or telefax transmission pursuant to the Federal Rules of Civil Procedure

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Eric R. Benton